PATRICK L. FORTE, #80050 1 ANNE Y. SHIAU, #273709 LAW OFFICES OF PATRICK L. FORTE 2 One Kaiser Plaza, #480 3 Oakland, CA 94612 Telephone: (510) 465-3328 Facsimile: (510) 763-8354 4 5 Attorneys for Debtor 6 7 8 UNITED STATES BANKRUPTCY COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 Case No. 13-42844 WJL In re: 11 NEMA FLORES LINTAG, Chapter 13 12 DEBTOR'S OPPOSITION TO Debtor. TRUSTEE'S OBJECTION TO CLAIM 13 #8 AND REQUEST FOR HEARING 14 15 Debtor Nema Flores Lintag ("Debtor") hereby opposes the 16 Objection to Claim #8 filed on December 24, 2013 as docket #31 by the 17 Martha G. Bronitsky, Chapter 13 Trustee ("Trustee"). 18 19 I. STATEMENT OF FACTS 20 On May 14, 2013, Debtor filed her bankruptcy petition. 21 2. On August 28, 2013, Debtor filed her third amended chapter 22 13 plan, which proposed to value the security of Matco Tools at 23 \$1,000.00 pursuant to \$506 and pay it through the plan as a secured 24 The plan was confirmed on October 16, 2013. 25

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On November 27, 2013, Debtor filed a proof of claim as claim #8 on behalf of Matco Tools after realizing that Matco had not filed

On December 24, 2013, the Trustee filed an Objection to Claim #8 filed by the Debtor on behalf of Matco because the claim was not timely filed.

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## **ARGUMENT** II.

While the claim filed by Debtor on behalf of Matco was not filed timely pursuant to Bankruptcy Rule 3002(c), Debtor respectfully requests that the court allow the secured claim to be paid per the confirmed Chapter 13 Plan. The Trustee previously allowed late filed claims as long as they were filed by the Debtor. Our office was unaware of any change in policy. Allowing the claim will not unduly prejudice any of the other creditors. By filing the claim on the creditor's behalf, the debtor expressly waives the issue of timeliness. No refunds will need to be sought in order to pay the claim. The result will be nothing different than what they initially expected, as the intention to pay Matco was already previously stated in the confirmed plan.

As such, Debtor requests a hearing date after February 15, 2014 and that the court overrule the Trustee's Objection and allow the claim filed by Debtor on behalf of Matco.

Dated: February 7, 2014 /s/ Patrick L. Forte

> PATRICK L. FORTE Attorney for Debtor